

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA, *et al.*,

*Plaintiffs,*

v.

JETBLUE AIRWAYS CORPORATION and  
SPIRIT AIRLINES, INC.,

*Defendants.*

Civil Action No. 1:23-cv-10511-WGY

**PLAINTIFFS' MOTION IN LIMINE  
TO EXCLUDE TESTIMONY FROM MR. RICHARD SCHEFF**

Pursuant to Federal Rule of Evidence 702, the United States of America, the State of California, the District of Columbia, the State of Maryland, the Commonwealth of Massachusetts, the State of New Jersey, the State of New York, and the State of North Carolina (collectively, "Plaintiffs"), respectfully move this Court for an order precluding Defendants' industry expert Richard Scheff from offering opinions or testimony that rely on his fleet optimization analysis as it is not based on a reliable methodology. The grounds for this motion are fully set forth in the accompanying memorandum of law.

Dated: September 11, 2023

Respectfully submitted,

/s/ Edward W. Duffy

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*Attorneys for the United States of America, the  
Commonwealth of Massachusetts, and the District of  
Columbia, and on behalf of all Plaintiffs*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(a)(2), I hereby certify that Plaintiffs conferred with counsel for Defendants in a good-faith effort to resolve or narrow the issues presented in this motion prior to filing. Defendants confirmed that they oppose the motion.

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing.

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